



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,032	02/07/2002	Allen R. Stein	2A08.1-011	1943
7590	01/22/2004		EXAMINER	
Bradley K. Groff GARDNER GROFF & MEHRMAN, P.C. Paper Mill Village, Building 23 600 Village Trace, Suite 300 Marietta, GA 30067			NOVOSAD, JENNIFER ELEANORE,	
			ART UNIT	PAPER NUMBER
			3634	
DATE MAILED: 01/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/072,032	STEIN, ALLEN R.
	Examiner Jennifer E. Novosad	Art Unit 3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23 and 24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 Feb 2002 and 20 May 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>13</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final Office action is in response to the amendment filed December 5, 2003 (Paper No. 12) by which claims 23 and 24 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard '852 in view of Capel '852.

Howard '852 discloses a display device (see attached red-marked photocopy of Figure 1) comprising a rack (including elements 11 and 13-16) having at least one support member (at 11) having a body portion (13-16) extending therefrom; a first array of at least two display panels (12c and 12e) mounted (through elements 12c and 12e, respectively) to a first side, i.e., left side of Figure 1, of the rack whereby one of the display panels (12e) is an underlying panel having a first display surface (red - at 12e) with a sample of a first displayed floor covering material (1), i.e., carpet, mounted thereon and the first display surface (12e) having a first width (x) and a first height; another one of the display panels (12c) in the first array defining an overlying panel having a second width (y) and a second height and an inner edge (at 20c) mounted to the rack and a free edge (f) distal the inner edge whereby the second width (y) is sufficiently less than the first width (x) such that at least a portion of the floor covering material (1) is visible beyond the

free edge (f) of the overlying panel (12c) with the overlying panel (12c) overlying the underlying panel (12e); the display device further comprising a second array of display panels (red, below elements 12a and 12b) mounted to a second side, i.e., the right side of Figure 1, of the rack; one of the panels (on 12a) in the second array defining a second underlying panel having a display surface with a sample of a second displayed floor covering material (3) mounted thereon whereby the second display surface (on 12a) has a third width (b) and a third height; another one (on 12b) on the panels of the second array defining a second overlying panel having a fourth width (a) and a fourth height and an inner edge (at 20b) mounted to the rack; the fourth width (a) being sufficiently less than the third width (b) such that at least a portion of the second material (3) is visible with the second panel (on 12b) overlying the second panel (on 12a).

The claims differ from Howard '852 in requiring the panels to be *pivottally* mounted to the rack.

Capel '809 teaches a rack (see especially Figure 3A) whereby panels (102) are pivotally mounted, i.e., through elements 100 and 94, to the rack (at 92) in first (such as 76l in Figure 2) and second (such as 76r in Figure 2) arrays disposed on first and second sides of the rack.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the panels of Howard '852 on a rack, such as taught by Capel '809, so that the panels of Howard '852 would be *pivottally* mounted to the rack, i.e., the panels (12a, 12b, 12c, and 12e) would be mounted to element 94 of Capel '809 by element 94 of Capel '809 grasping elements 12a', 12b', etc. of Howard '852, for ease in use of the device by consumers since the panels can be pivoted thereby allowing access to certain panels.

Response to Arguments

Applicant's arguments with respect to claims 23 and 24 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection were necessitated by the amendment reciting "pivotally" in line 4 and "floor covering" (material) in lines 6-7 of claim 23.

Conclusion

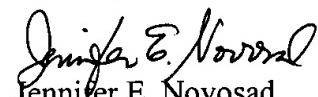
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
January 12, 2004

PATENTED MAR 9 1971

3,568,852

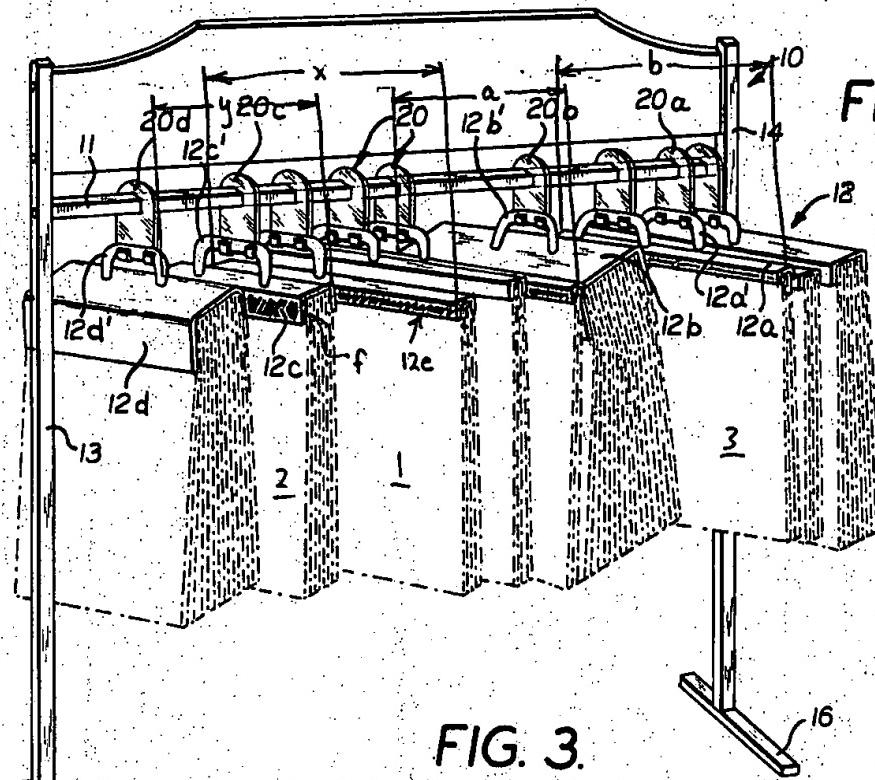


FIG. I.

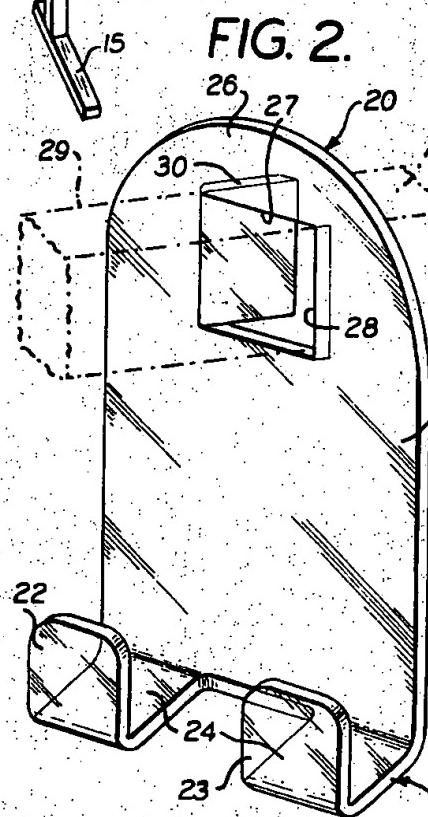


FIG. 2.

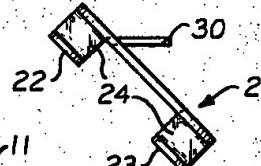


FIG. 3.

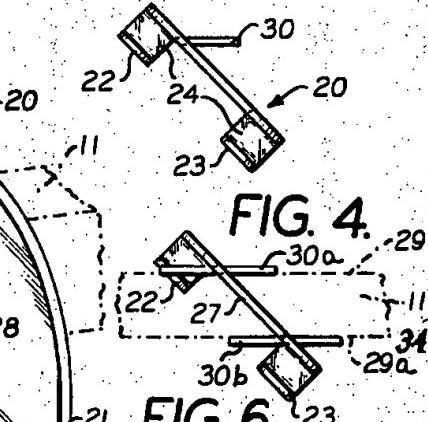
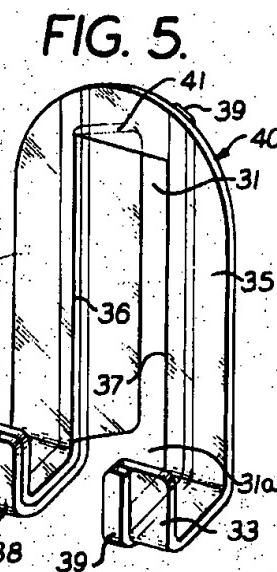


FIG. 6.



INVENTOR
FRED HOWARD